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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,739	05/09/2001	Ronald Shinogle	00-151	3864

7590 11/20/2003  
LIELL & MCNEIL  
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511 South Madison St.  
Bloomington, IN 47402-2417

EXAMINER

EVANS, ROBIN OCTAVIA

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on October 14, 2003. The submission, however, is not fully responsive to the prior Office action because the newly amended claims are now drawn to the non-elected combination invention. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

2. Newly submitted claims 21-27 and amended claims 1-11 are now directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims 1-11 were elected as being a subcombination invention drawn to a fuel injector. The newly submitted and amended claims now require the particulars of the combination (namely the compression release braking of the engine), which was non-elected and made final in Paper No. 5.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-27 are withdrawn from consideration as being directed to a non-elected invention and the remaining claims 1-11 are not readable on the elected invention because of the reasons stated above. See 37 CFR 1.142(b) and MPEP § 821.03.

Art Unit: 3752

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin O. Evans whose telephone number is (703) 305-5766. The examiner can normally be reached on Monday-Thursday, 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7766.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.



Robin O. Evans  
Primary Examiner  
Art Unit 3752

11/18/03

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